

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CR048 RWS NAB
)	
TERRELL BROWN,)	
)	
Defendant.)	

ORDER AND SPEEDY TRIAL FINDING

This matter is before the Court on Defendant's Motion for an Extension of Time to File Pretrial Motions [[Doc. #25](#)] filed on February 22, 2012. In support of the Motion Defendant stated that the United State Attorney's office sent discovery materials via FedEx to the Defendant on or about February 16th or 17th, 2012. These materials arrived on February 20th, 2012 according to FedEx records. Counsel's office was closed on that date and FedEx delivered the package to the mail room of Defense Counsel's building. To date Defense Counsel has not seen this package and after due and diligent search said package cannot be located, either in the mailroom or elsewhere. The US Attorney's office has agreed to re-send the package on February 22, 2012, which would prevent receipt of said package before February 23rd or 24th, 2012 which is the deadline for filing motions or waivers of motions.

Defendant requested that the pretrial motion deadline previously set for February 24, 2012 be continued for ten (10) days.

Speedy Trial Finding: For the reasons set out in Defendant's motion, the Court finds that to deny Defendant's request for such additional time would deny counsel for Defendant the reasonable time necessary for effective investigation and preparation of pretrial motions, taking

into account the exercise of due diligence, and that the ends of justice served by granting Defendant's request for additional time outweigh the best interest of the public and Defendant in a speedy trial, and therefore, the time granted to Defendant to investigate and properly prepare pretrial motions, or a waiver thereof, is excluded from computation of Defendant's right to a speedy trial pursuant to 18 U.S.C. §§ 3161(c)(1) and 3161(h)(7).

IT IS HEREBY ORDERED that Defendant's Motion for an Extension of Time to File Pretrial Motions [[Doc. #25](#)] is **GRANTED**. Defendant shall have to and including **March 5, 2012** to file any pretrial motions or waiver of motions. The government shall have until **March 12, 2012** to respond.

IT IS FURTHER ORDERED that the evidentiary hearing set for **March 5, 2012** shall be continued until **March 14, 2012 at 10:00 a.m.**

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of February, 2012.